1 Robert R. Parker, Jr. OSB #216437 2 111 SW Fifth Avenue **Suite 3150** 3 Portland, OR 97204 4 504-444-3417 robert@robertparkerlawoffices.com 5 6 7 8 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON 9 **EUGENE DIVISION** 10 11 PRESTON BERMAN, Civil Action No.6:23-cv-01497-AA 12 Plaintiff, 13 PLAINTIFF'S MOTION for EXTENSION OF TIME TO RESPOND VS. 14 **DEFENDANT'S MOTION TO DISMISS:** CHRISTINE KOTEK, in her official FRCP 12b(6) 15 capacity as GOVENOR of the STATE of 16 OREGON, ELLEN ROSENBLUM, in her official capacity as ATTORNEY GENERAL) 17 for the STATE of OREGON, DAVE BADEN, in his official capacity as Interim 18 DIRECTOR for the OREGON HEALTH 19 AUTHORITY, ALISON BORT, in her official capacity as EXECUTIVE 20 DIRECTOR, of the OREGON PSYCHIATRIC SECURITY REVIEW 21 BOARD, DOLORES MATTEUCCI, in her) 22 official capacity as SUPERINTENDENT of) OREGON STATE HOSPITAL, STEVE 23 GUNNELS, in his official capacity as the DISTRICT ATTORNEY for DESCHUTES) 24 COUNTY, OREGON, 25 Defendants. 26 27 28

PLAINTIFF'S MOTION TO EXTEND TIME TO RESPOND TO MOTIONS TO DISMISS - 1

1	COMES NOW Plaintiff, Preston Berman, by and through his undersigned counsel
2	and moves this Court for a ten (10) day extension to interpose his response in opposition to the
3	Motion to Dismiss filed by Defendants.
4	This Motion is premised on the Declaration of Counsel, the files and records of
5	
6	this Court, good faith and is not interposed for purposes of delay.
7	Dated this 31 st day of January 2024
8	Respectfully submitted,
9	LAW OFFICE OF ROBERT R. PARKER, JR., LL. B., LLC
10	By: <u>/s/ Robert R. Parker, Jr.</u> Robert R. Parker, Jr.
11	Attorney for Plaintiff
12	OSB 216437 111 SW Fifth Avenue
13	Suite 3150 Portland, OR 97204
14	503-444-3417
15	<u>robert@robertparkerlawoffices.com</u>
16	LOCAL RULE 7-1 CONFERRAL
17	Pursuant to LR 7-1, Counsel for Plaintiff and Defendants engaged in a conferral relative
18	to the motion and it was agreed that the Motion for Extension of Time would be unopposed by
19	Counsel for the Defendants.
20	Dated this 31st Day of January 2024
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22	Respectfully submitted,
23	/s/ Robert R. Parker, Jr. Robert R. Parker, Jr.
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۷٥	PLAINTIFF'S MOTION TO EXTEND TIME TO RESPOND TO MOTIONS TO DISMISS - 2

1 Robert R. Parker, Jr. OSB #216437 2 111 SW Fifth Avenue **Suite 3150** 3 Portland, OR 97204 4 504-444-3417 robert@robertparkerlawoffices.com 5 6 7 8 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON 9 **EUGENE DIVISION** 10 11 PRESTON BERMAN, Civil Action No.6:23-cv-01497-AA 12 Plaintiff, 13 DECLARATION OF COUNSEL IN SUPPORT OF THE MOTION TO VS. 14 EXTEND TIME TO RESPOND TO: CHRISTINE KOTEK, in her official MOTION TO DISMISS: 15 capacity as GOVENOR of the STATE of 16 OREGON, ELLEN ROSENBLUM, in her official capacity as ATTORNEY GENERAL) 17 for the STATE of OREGON, DAVE BADEN, in his official capacity as Interim 18 DIRECTOR for the OREGON HEALTH 19 AUTHORITY, ALISON BORT, in her official capacity as EXECUTIVE 20 DIRECTOR, of the OREGON PSYCHIATRIC SECURITY REVIEW 21 BOARD, DOLORES MATTEUCCI, in her) 22 official capacity as SUPERINTENDENT of) OREGON STATE HOSPITAL, STEVE 23 GUNNELS, in his official capacity as the DISTRICT ATTORNEY for DESCHUTES) 24 COUNTY, OREGON, 25 Defendants. 26 27 28

PLAINTIFF'S MOTION TO EXTEND TIME TO RESPOND TO MOTIONS TO DISMISS - 3

DECLARATION OF COUNSEL:

STATE OF OREGON)

)ss

County of Multnomah)

I, Robert R. Parker, Jr., being over the age of 18 and under penalty of perjury of the laws of the United States and the State of Oregon, do depose and declare herein as follows:

That I am the Counsel of Record in the above captioned matter and make this Declaration in Support of the Motion for a ten (10) day Extension of Time to proffer the Plaintiff's Opposition to the Motion to Dismiss filed by the Defendants in this matter.

That the issues raised in the Complaint and the Motion to Dismiss are both intricate and complex and that additional time is required to adequately research the issues and prepare a r response to appropriately oppose the Motion to Dismiss.

Furthermore, the legal issues may require a visit with the client who is at the State

Hospital in Salem as well as members of the Plaintiff's Treatment team which must be scheduled in advance.

That opposing counsel and the undersigned have conferred by telephone and no objection to the request for a ten (10) day extension will be asserted in this matter.

That the Plaintiff hereby requests this Court to grant the extension of time needed to proffer and serve its Response in Opposition to the Motion to Dismiss filed presently by the Defendants as no prejudice will inure to them, but irreparable prejudice may befall Plaintiff if the request for the extension of time to respond is declined.

FURTHER THE DECLARANT SAYETH NOT

Dated this 31st day of January 2024

Respectfully submitted, LAW OFFICE OF ROBERT R. PARKER, JR., LL. B., LLC

By: <u>/s/ Robert R. Parker, Jr.</u> Robert R. Parker, Jr.

PLAINTIFF'S MOTION TO EXTEND TIME TO RESPOND TO MOTIONS TO DISMISS - 5

CERTIFICATE OF SERVICE I, Robert R. Parker, Jr., and hereby certifies that I served a copy of the foregoing Motion for Extension of Time upon the following person(s) so entitled to same, to wit: Craig M. Johnson, Esq. Michelle Enfield, Esq. Oregon Department of Justice 1162 Court Street, NE Salem, Oregon 97301-4096 Craig.m.johnson@doj.state.or.us Michelle.enfield@doj.state.or.us By serving a true copy thereof upon the parties above referenced by electronic email at the email addresses set forth herein above on this the 31st day of January, 2024. Respectfully submitted, /s/ Robert R.Parker,Jr Robert R. Parker, Jr. PLAINTIFF'S MOTION TO EXTEND TIME TO RESPOND TO MOTIONS TO DISMISS - 6